

This Page Is Inserted by IFW Operations
and is not a part of the Official Record

BEST AVAILABLE IMAGES

Defective images within this document are accurate representations of the original documents submitted by the applicant.

Defects in the images may include (but are not limited to):

- BLACK BORDERS
- TEXT CUT OFF AT TOP, BOTTOM OR SIDES
- FADED TEXT
- ILLEGIBLE TEXT
- SKEWED/SLANTED IMAGES
- COLORED PHOTOS
- BLACK OR VERY BLACK AND WHITE DARK PHOTOS
- GRAY SCALE DOCUMENTS

IMAGES ARE BEST AVAILABLE COPY.

**As rescanning documents *will not* correct images,
please do not report the images to the
Image Problem Mailbox.**

**DECLARATION (37 CFR 1.63) FOR UTILITY OR DESIGN APPLICATION USING AN
APPLICATION DATA SHEET (37 CFR 1.76)**

Title of Invention DATA RECOVERY TECHNIQUES IN STORAGE SYSTEMS

As the below named inventor(s), I/we declare that:

This declaration is directed to:

- ☐ The attached application, or
☒ Application No. 10/726,007, filed on December 1, 2003,
☐ as amended on _____ (if applicable);

I/we believe that I/we am/are the original and first inventor(s) of the subject matter which is claimed and for which a patent is sought;

I/we have reviewed and understand the contents of the above-identified application, including the claims, as amended by any amendment specifically referred to above;

I/we acknowledge the duty to disclose to the United States Patent and Trademark Office all information known to me/us to be material to patentability as defined in 37 CFR 1.56, including for continuation-in-part applications, material information which became available between the filing date of the prior application and the national or PCT International filing date of the continuation-in-part application.

All statements made herein of my/our own knowledge are true, all statements made herein on information and belief are believed to be true, and further that these statements were made with the knowledge that willful false statements and the like are punishable by fine or imprisonment, or both, under 18 U.S.C. 1001, and may jeopardize the validity of the application or any patent issuing thereon.

FULL NAME OF INVENTOR(S)

Inventor 1 Matthew J. Foley Date: 3/23/2004
Signature: *Matthew J. Foley* Citizen of: United States

Inventor 2 Lewis Kawecki Date: 3/23/2004
Signature: *Lewis Kawecki* Citizen of: United States

Inventor 3 Nam Le Date: 3/23/2004
Signature: *Nam Le* Citizen of: United States

Inventor 4 Rony Yakir Date: 03/23/04
Signature: *Rony Yakir* Citizen of: United States

☐ Additional inventors are being named on additional form(s) attached hereto.



POWER OF ATTORNEY and CORRESPONDENCE ADDRESS INDICATION FORM	Application Number	10/726,007
	Filing Date	December 1, 2003
	First Named Inventor	Foley, Matthew J.
	Title	DATA RECOVERY TECHNIQUES IN STORAGE SYSTEMS
	Art Unit	2133
	Examiner Name	Unassigned
	Attorney Docket Number	021154-000910US

I hereby appoint:

☒ Practitioners associated with the Customer Number **20350**

OR

☐ Practitioner(s) named below:

Name	Registration Number

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the United States Patent and Trademark Office connected therewith.

Please recognize or change the correspondence address for the above-identified application to:

☒ The address associated with the above-mentioned Customer Number:

OR

☐ The address associated with Customer Number:

OR

☐ Firm or Individual Name

Address

Address

City State ZIP

Country

Telephone Fax

I am the:

☐ Applicant/Inventor.

☒ Assignee of record of the entire interest. See 37 CFR 3.71.
Statement under 37 CFR 3.73(b) is enclosed. (Form PTO/SB/96).

SIGNATURE of Applicant or Assignee of Record

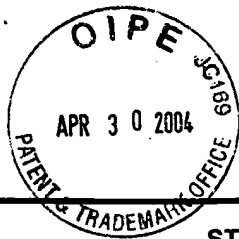
Name *James Potochny for Arkivio, Inc.*

Signature *[Signature]*

Date *3/23/2004* Telephone *650-237-6102*

NOTE: Signatures of all the inventors or assignees of record of the entire interest or their representative(s) are required. Submit multiple forms if more than one signature is required, see below*.

☐ *Total of _____ forms are submitted.

**STATEMENT UNDER 37 CFR 3.73(b)**Applicant/Patent Owner: MATTHEW J. FOLEY et al.Application No./Patent No.: 10/726,007/Filed/Issue Date: December 1, 2003 /Entitled: DATA RECOVERY TECHNIQUES IN STORAGE SYSTEMSArkivio, Inc., a Delaware Corporation

(Name of Assignee)

(Type of Assignee, e.g., corporation, partnership, university, government agency, etc.)

states that it is:

1. the assignee of the entire right, title, and interest; or
2. ☐ an assignee of less than the entire right, title and interest.
The extent (by, percentage) of its ownership interest is _____%

in the patent application/patent identified above by virtue of either:

- A. ☒ An assignment from the inventor(s) of the patent application/patent identified above. The assignment was recorded in the United States Patent and Trademark Office at Reel _____, Frame _____, or for which a copy thereof is attached.

OR

- B. ☐ A chain of title from the inventor(s), of the patent application/patent identified above, to the current assignee as shown below:

1. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

2. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

3. From: _____ To: _____

The document was recorded in the United States Patent and Trademark Office at
Reel _____, Frame _____, or for which a copy thereof is attached.

☐ Additional documents in the chain of title are listed on a supplemental sheet.

- ☒ Copies of assignments or other documents in the chain of title are attached.

[NOTE: A separate copy (i.e., the original assignment document or a true copy of the original document) must be submitted to Assignment Division in accordance with 37 CFR Part 3, if the assignment is to be recorded in the records of the USPTO. See MPEP 302.8]

The undersigned (whose title is supplied below) is authorized to act on behalf of the assignee.

3/23/2004

Date

650-237-6102

Telephone number

James Potochny

Typed or printed name

[Signature]

Signature

VP Finance, CFO

Title

ASSIGNMENT OF PATENT APPLICATION

JOINT

WHEREAS, Matthew J. Foley of 637 Frederick Avenue, Santa Clara, CA 95050; Lewis Kawecki of 8728 Loch Levon Avenue, Kings Beach, CA 96143; Nam Le of 2764 Glauser Drive, San Jose, CA 95133; Rony Yakir of 148 Eunice Avenue, Mountain View, CA 94040 hereinafter referred to as "Assignors," are the inventors of the invention described and set forth in the below-identified application for United States Letters Patent:

Title of Invention: Data Recovery Techniques In Storage Systems

Date(s) of execution of Declaration: March 23, 2004 (Foley, Kawecki, Le, and Yakir)

Filing Date: December 1, 2003

Application No.: 10/726,007; and

COPY

WHEREAS, Arkivio, Inc., a corporation of the state of Delaware, located at 2700 Garcia Avenue, Mountain View, CA 94043, hereinafter referred to as "ASSIGNEE," is desirous of acquiring an interest in the invention and application and in any U.S. Letters Patent and Registrations which may be granted on the same;

For good and valuable consideration, receipt of which is hereby acknowledged by Assignors, Assignors have assigned, and by these presents do assign to Assignee all right, title and interest in and to the invention and application and to all foreign counterparts (including patent, utility model and industrial designs), and in and to any Letters Patent and Registrations which may hereafter be granted on the same in the United States and all countries throughout the world, and to claim the priority from the application as provided by the Paris Convention. The right, title and interest is to be held and enjoyed by Assignee and Assignee's successors and assigns as fully and exclusively as it would have been held and enjoyed by Assignors had this Assignment not been made, for the full term of any Letters Patent and Registrations which may be granted thereon, or of any division, renewal, continuation in whole or in part, substitution, conversion, reissue, prolongation or extension thereof.

Assignors further agree that they will, without charge to Assignee, but at Assignee's expense, (a) cooperate with Assignee in the prosecution of U.S. Patent applications and foreign counterparts on the invention and any improvements, (b) execute, verify, acknowledge and deliver all such further papers, including patent applications and instruments of transfer, and (c) perform such other acts as Assignee lawfully may request to obtain or maintain Letters Patent and Registrations for the invention and improvements in any and all countries, and to vest title thereto in Assignee, or Assignee's successors and assigns.

Assignors hereby authorize and request Townsend and Townsend and Crew LLP, Two Embarcadero Center, Eighth Floor, San Francisco, CA 94111-3834, to insert herein above the application number and filing date of said application when known.

IN TESTIMONY WHEREOF, Assignors have signed their names on the dates indicated.

Dated: 3/23/2004

Matthew J. Foley
Matthew J. Foley

WITNESSES:

Dated: 3/23/2004

James Potocky
Name: James Potocky

Dated: 3/23/2004

Claudia Chandra
Name: CLAUDIA CHANDRA

Dated: 3/23/2004

hi R. K.
Lewis Kawecki

WITNESSES:

Dated: 3/23/2004


James Potochy
Name: James Potochy

Dated: 3/23/2004

Claudia Chandra
Name: Claudia Chandra

COPY


Dated: 03/23/2004



Nam Le

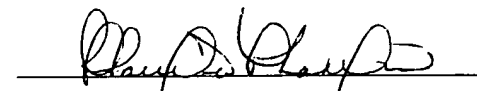
WITNESSES:

Dated: 3/23/2004



Name: James Potochny

Dated: 3/23/2004



Name: Claudia Chandra

COPY

Dated: 03/23/04

Roy Yakir
Roy Yakir

WITNESSES:

Dated: 3/23/2004

James Potoch
Name: James Potoch

Dated: 3/23/2004

Claudia Chandra
Name: Claudia Chandra

COPY